

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA**

Bruce G. Klein,)	
)	
Plaintiff,)	ORDER
)	
vs.)	
)	
Gregory D. Klein, Wesley J. Klein,)	
Jeffrey G. Klein, and Jelena M.)	
Bouret/Barfield,)	Case No. 1:23-cv-223
)	
Defendants.)	

Plaintiff initiated the above-captioned action pro se on November 15, 2023, challenging the validity of state court proceedings regarding the John V. Klein Surface Trust and the sale of trust land located in Dunn County, North Dakota. (Doc. No. 1). On August 12, 2024, Plaintiff filed a copy of the Notice of Lis Pendens he had filed with the Recorder in Dunn County pursuant to N.D.C.C. § 28-05-7. (Doc. No. 30).

On August 26, 2024, three of the four named Defendants filed a Motion to Dismiss for Lack of Jurisdiction and/or for failure to State a Claim. (Doc. No. 32). On November 20, 2024, the undersigned issued a Report and Recommendation that Defendants’s motion be granted and that the this matter be dismissed in its entirety. (Doc. No. 44). On December 11, 2024, the Court issued an order adopting the Report and Recommendation over Plaintiff’s objection and dismissed this action in its entirety. (Doc. No. 48). The Clerk’s office entered judgment on December 11, 2024. (Doc. No. 49). No appeal has been taken from the judgment.

On January 30, 2025, pursuant to N.D.C.C. § 28-05-08, Plaintiff filed a request that the Notice of Lis Pendens he filed on August 12, 2024, be cancelled. (Doc. No. 50). Section 28-05-08

provides:

The court in which the action was commenced, at any time, on application of any person aggrieved and on good cause shown and on such notice as directed or approved by the court, may order the notice authorized by section 28-05-07 to be canceled of record in whole or in part by the recorder of any county in whose office the same may have been filed for record, and such cancellation must be made by an endorsement to that effect on the margin of the record which shall refer to the order. Such cancellation, in like manner, may be made by the recorder upon a written request, directing such cancellation, signed by the party or the attorney of the party who caused such notice to be filed. Such notice is also canceled by the entry of a final judgment in the action if no appeal has been taken from such judgment within the time provided by law.

N.D.C.C. § 28-05-08.

It appears at first blush that the entry of the judgment in this action cancels Plaintiff's Notice of Lis Pendens. Id. In any event, the court **GRANTS** Plaintiff's request (Doc. No. 50) and **ORDERS** that Plaintiff's Notice of Lis Pendens be canceled of record in whole by the Recorder of Dunn County, North Dakota.

IT I SO ORDERED.

Dated this 3rd day of February, 2025.

/s/ Clare R. Hochhalter
Clare R. Hochhalter, Magistrate Judge
United States District Court